

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HAWK VALLEY, INC.)	
)	Civil Action
Plaintiff)	No. 10-cv-804
)	
vs.)	
)	
ELAINE G. TAYLOR;)	
ENVIRONMENTAL PROCESS SYSTEMS,)	
INC.; and,)	
JOHN DOES 1-10)	
)	
Defendants)	

O R D E R

NOW, this 25th day of February, 2011, upon consideration of Defendants, Elaine G. Taylor and Environmental Process Systems, Inc.'s Motion to Dismiss Plaintiff's Complaint With Prejudice Pursuant to Fed.R.Civ.P. 12(b)(6), which motion was filed June 17, 2010 as Document 12; upon consideration of Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss Pursuant to Fed.R.Civ.Proc. 12(b)(6), which memorandum was filed July 8, 2010 as Document 17; upon consideration of Defendants, Elaine G. Taylor and Environmental Process Systems, Inc.'s Reply Memorandum of Law in Support of Their Motion to Dismiss Plaintiff's Complaint With Prejudice Pursuant to Fed.R.Civ.P. 12(b)(6), which reply memorandum was filed September 14, 2010 as Document 25; it appearing that plaintiff's Class Action Complaint fails to establish that this court has jurisdiction over the subject matter of this case; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that plaintiff shall have until April 1, 2011 to file an amended complaint for the limited purpose of pleading the grounds upon which this court's jurisdiction depends.

IT IS FURTHER ORDERED that failure to file an amended complaint by April 1, 2011 may result in dismissal of this action for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that defendants Elaine G. Taylor and Environmental Process Systems, Inc.'s motion to dismiss is dismissed without prejudice to re-file it if appropriate in the event that plaintiff files an amended complaint by April 1, 2011 establishing subject matter jurisdiction.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge